IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA SOUTHERN DIVISION No. 7:18-CV-154-BO

BENJAMIN KINSER,)	
Plaintiff,)	
v.) .	ORDER
SALT BAR, LLC, et al.,)	
Defendants.)	

This cause comes before the Court on plaintiff's motion for entry of default [DE 32]. For the following reasons, plaintiff's motion [DE 32] is GRANTED and the Clerk is DIRECTED to enter default against defendants Salt Bar, LLC and Sean Carey.

The complaint in this action was filed in the District of South Carolina on July 2, 2018. [DE 1]. That same month, plaintiff was given permission to proceed *in forma pauperis* under 28 U.S.C. § 1915. [DE 9]. The case was transferred to the Eastern District of North Carolina on August 22, 2018. [DE 18]. On October 10, 2018, defendant Salt Bar, LLC's authorized agent, Sean Carey, was served with the summons and complaint by the U.S. Marshals Service. [DE 25]. On the same day, defendant Sean Carey was served with the summons and complaint by the U.S. Marshals Service, too. [DE 26]. Defendants were required to serve an answer or otherwise respond to plaintiff's complaint within twenty-one days of being served with the summons and complaint. Fed. R. Civ. P. 12(a). Defendants Salt Bar, LLC and Sean Carey did not timely respond and, months later, still have not done so.

Plaintiff has moved for entry of default. While his motion is titled a motion for "entry of default final judgment," the Court construes it as a motion for entry of default under Federal Rule

of Civil Procedure 55(a). "When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by [the Federal Rules of Civil Procedure] and that fact is made to appear by affidavit or otherwise, the Clerk shall enter the party's default." Fed. R. Civ. P. 55(a). Because neither Salt Bar, LLC nor Sean Carey have responded to plaintiff's complaint within twenty-one days, entry of default is appropriate.

As defendants Salt Bar, LLC and Sean Carey have failed to properly appear and to plead or otherwise defend in this action, the Clerk is DIRECTED to enter a default against both defendants.

SO ORDERED, this // day of January, 2019.

TERRENCE W. BOYLE

CHIEF UNITED STATES DISTRICT HIDGE